
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

SCOTT K. MARLAND and JENNIFER D.
MARLAND, as conservators for the minor
child, J.S.M.,

Plaintiffs,

v.

ASPLUNDH TREE EXPERT CO., a
Pennsylvania corporation,

Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT'S
MOTION TO PRECLUDE J.S.M.'S
FAMILY FROM SEEKING DAMAGES

Case No. 1:14-CV-40 TS

District Judge Ted Stewart

This matter is before the Court on Defendant's Motion to Preclude J.S.M.'s Family from Seeking Damages (Docket No. 164). For the reasons discussed below, the Court will deny the Motion.

Plaintiffs retained Sheryl Wainwright to create a life care plan for J.S.M. The plan includes counseling service costs for J.S.M.'s individual family members and costs for family therapy. Relying upon these disclosed costs, Defendant seeks an order from the Court precluding Plaintiffs from introducing evidence of or seeking an award of damages suffered by members of J.S.M.'s family.

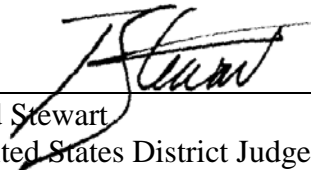
Plaintiffs state they do not seek damages for anyone other than J.S.M. and explain that the counseling costs included in Ms. Wainwright's life care plan are for counseling services meant for the benefit of J.S.M. The Court finds such evidence is admissible and may be considered by the jury in assessing damages.

It is therefore

ORDERED that Defendant's Motion to Preclude J.S.M.'s Family from Seeking Damages
(Docket No. 164) is DENIED.

DATED this 3rd day of February, 2017.

BY THE COURT:



Ted Stewart
United States District Judge